

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CELERINA SANCHEZ, et al.,

CV 04-611-JE

Plaintiffs,

ORDER

v.

PRAKOPIY CAM,

Defendant.

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Defendant, *Pro Se*

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#36) on July 15, 2005, in which he recommended this Court grant Plaintiffs' Motion for Partial Summary Judgment on Liability as to all Plaintiffs except Plaintiffs Benito Arzola and Rosalia Toledano (#20). Defendant filed Objections to the Findings and Recommendation eight days after the time set for filing objections. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

As noted, Defendant filed his Objections to the Findings and Recommendation late. Defendant, however, is proceeding *pro se*, and, therefore, the Court, nonetheless, considered Defendant's Objections.

After conducting a *de novo* review of the Magistrate Judge's Findings and Recommendation, the Court does not find any error.

CONCLUSION

Accordingly, the Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#36) and **GRANTS in part** and **DENIES in part** Plaintiffs' Motion for Partial Summary Judgment (#20) as follows:

1. **GRANTS** Plaintiffs' Motion on Liability as to all Plaintiffs except Benito Arzola and Rosalia Toledano and
2. **DENIES** Plaintiffs' Motion as to Plaintiffs Benito Arzola and Rosalia Toledano.

IT IS SO ORDERED.

DATED this 26th day of September, 2005.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge

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